

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RICHARD JORDAN and RICKY CHASE,

Plaintiffs,

THOMAS EDWIN LODEN, Jr., ROGER THORSON, and ROBERT SIMON,

Intervenors,

v.

BURL CAIN, Commissioner, Mississippi Department of Corrections, et al.

Defendants.

CIVIL ACTION NO. 3:15cv295-HTW-LRA

MOTION TO BE EXCUSED FROM UPCOMING DEPOSITIONS

COMES NOW James L. "Jim" Davis, III, and requests the Court's permission to be excused from the upcoming depositions, and states the following, to-wit:

1. I represent Roger Thorson in his Habeas Corpus Civil Action File No. 1:12-cv-00067-DPJ. I do have associates in firms DLA Piper LLP located in Chicago, Illinois, and Schwabe, Williamson & Wyatt, P.C. located in Portland, Oregon.

2. I am a sole practitioner with four employees relying on me to generate income and pay their salaries. I am representing Roger Thorson *pro bono* in the current federal case as an intervenor.

3. I was notified to reserve numerous dates for depositions: July 21 and 26, September 7, 8 and 9, which I did. I received notices for depositions on dates I was not asked to reserve and am not available: August 2, 3 and 30, 2022.

4. I discussed my participation in the upcoming depositions and most of the Plaintiffs', Intervenors' and death row inmates' attorneys agree, Jim Craig is going to conduct most, if not all, of the questioning for all Plaintiffs and Intervenors. I know Mr. Craig. He is a very capable, outstanding attorney, and knows the issues involved in this litigation far better than any of the other attorneys involved. I do not plan to ask any questions.

5. I do not want to ask that any of the depositions be rescheduled, or dates changed. This litigation needs to move forward. I am requesting I be allowed to be excused from participating in all of the upcoming depositions, or allowed to just participate via Zoom, or attend only the depositions scheduled on the dates I had reserved.

6. Undersigned counsel considered having associated counsel from Chicago to cover some of the depositions, but Mississippi's pro hac vice rules demand local counsel be present during depositions.

WHEREFORE, James L. "Jim" Davis, III respectfully requests that this Court enter its Order granting his request to be excused from upcoming depositions and for such further relief as the Court deems appropriate.

Dated this 26th day of July, 2022.

Respectfully submitted,

/s/ Jim Davis
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CERTIFICATE OF SERVICE

I, JAMES L. "JIM" DAVIS, III, counsel of record for Intervenor, ROGER ERIC THORSON, do hereby certify that I have this date filed a true and correct copy of the foregoing *Motion to Be Excused from Upcoming Depositions* with the Clerk of the Court using the ECF filing system that automatically notifies, and provides a copy of same to, all interested parties.

SO CERTIFIED this, the 26th day of July, 2022.

/s/ Jim Davis
JIM DAVIS

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